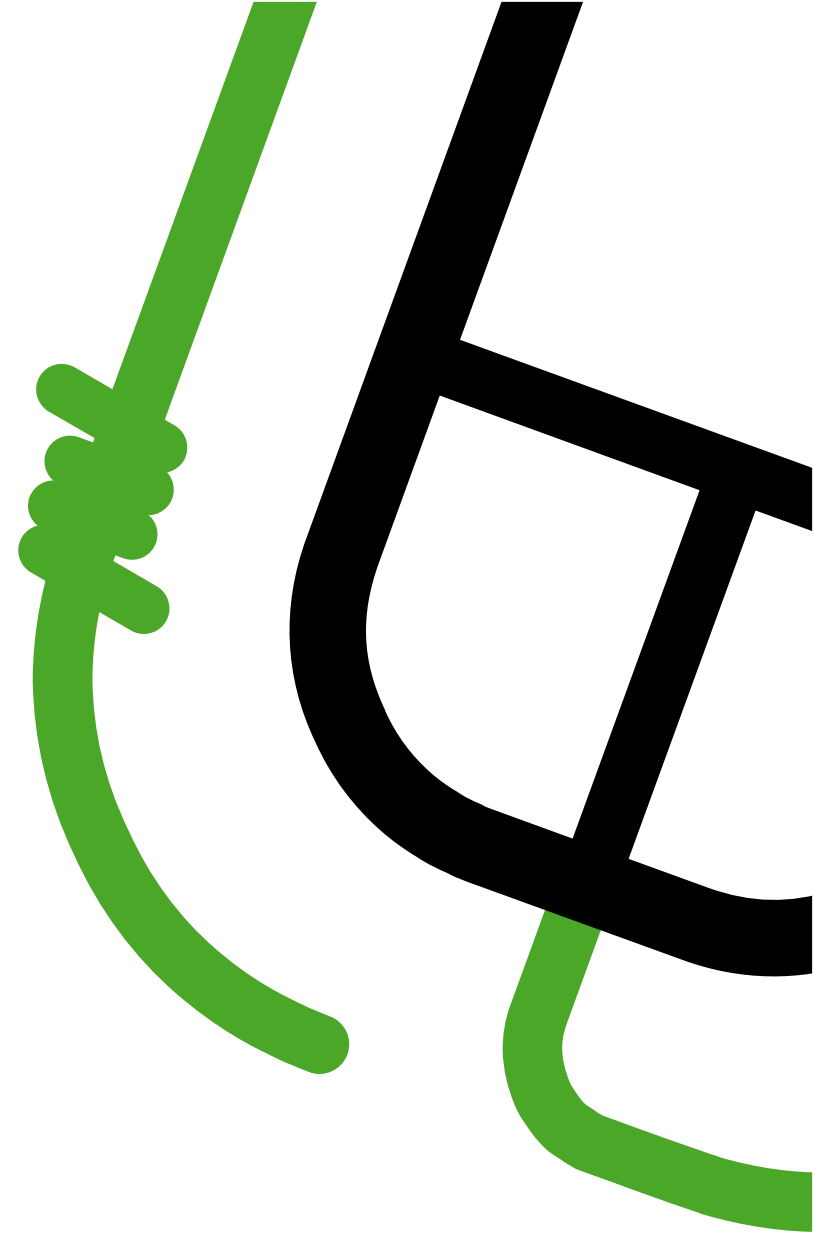
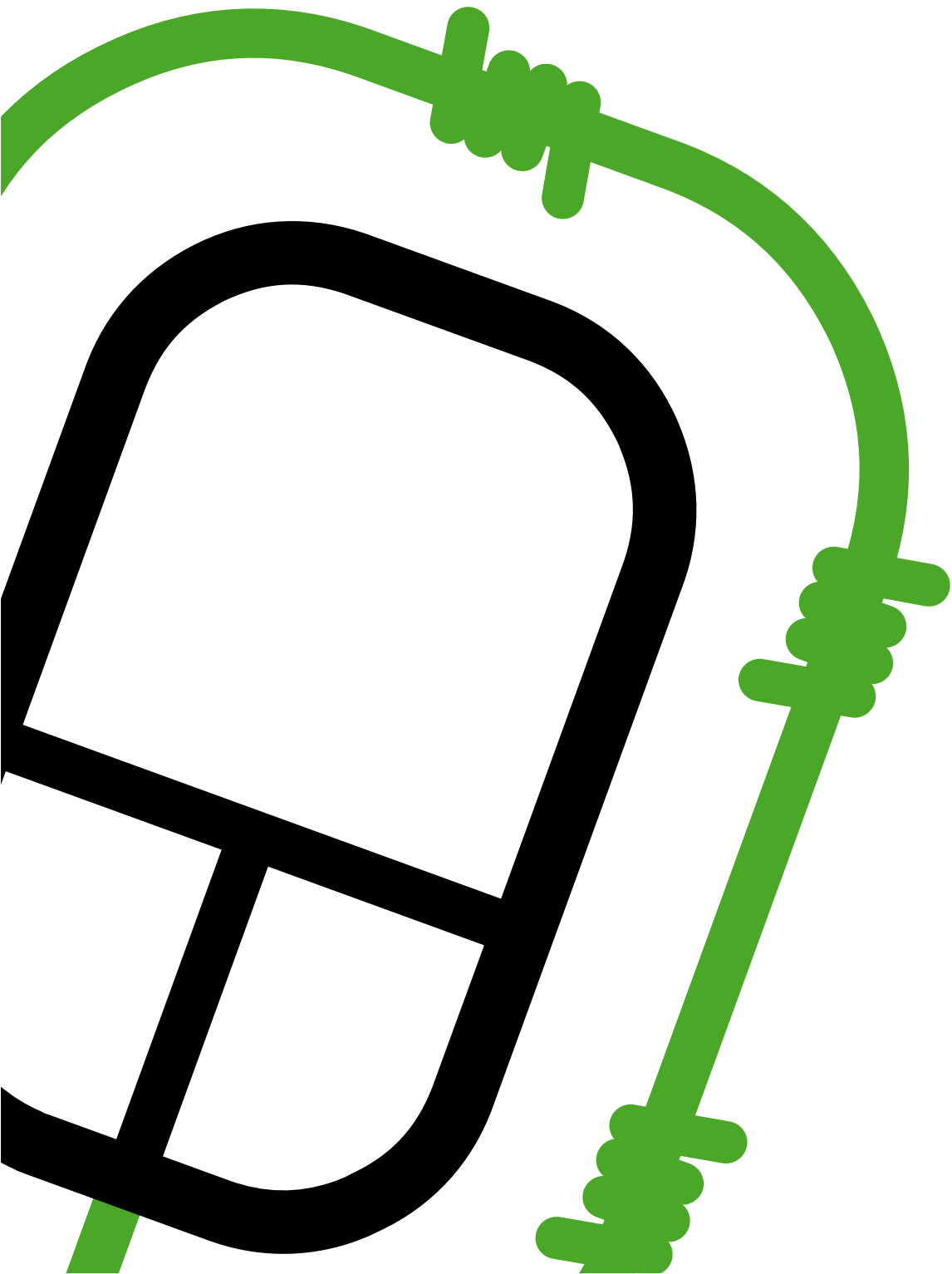


THE LOBBY- TOMY



An insider's view of lobbying – Floris Kreiken

18 feb 2016



The new European data protection regulation is the most lobbied piece of legislation in Europe thus far because the subject is very important and touches upon almost every aspect of our daily lives. Therefore Bits of Freedom used the Dutch freedom of information act to ask the government to publicize all the lobby documents they received on this new law. We published these documents and our analysis on our website. We now present this analysis in this report. What parties lobby? What do they want? What does that mean for you?

CONTENTS

- 01. The lobby-tomy**
- 02. What was the lobbying about?**
- 03. Who are lobbying?**
- 04. innovation is the magic word**
- 05. Legal help or political choices?**
- 06. not in my backyard**
- 07. Not all roads lead to privacy**
- 08. Anti-fraud! The other magic word**
- 09. Lessons of the lobby. What will the Netherlands do?**



Bits Of freedom. Defends your freedom and privacy on the Internet. These human rights are essential to your development, for technological innovation and for the rule of law. But that freedom is not self-evident. Your data is stored and analyzed. Your internet traffic is throttled and blocked. Bits of Freedom ensures that your Internet remains your own affair.

Stichting Bits of Freedom
Postbus 10746
1001 ES Amsterdam
+31 6 4499 5711

info@bof.nl

01. THE LOBBY-TOMY

The new European privacy law is the most lobbied piece of legislation in Europe thus far, because the subject is very important and touches on almost every

What parties lobby? What do they want? What does that mean for you?

aspect of our daily lives. That's why we used the Dutch freedom of information act to ask the government to publicize all the lobby documents they received on this new law. We published these documents with our analysis in a series of blogs.¹ What parties lobby? What do they want? What does that mean for you? We have now translated these blogs into an English report.

The European privacy law is huge

Information plays a central role in our society. Every action you take leaves an information trail related to

you personally: personal data. Meanwhile almost every company or organization works with information and those are often also personal data. Progressive digitization only increases the amount of personal data processed. This makes rules on the processing of personal data incredibly important.

In Brussels there have been negotiations for years about the new data protection regulation that aims to replace all the national privacy legislation and to enhance data protection levels.² It won't come as a surprise that this new law is big and important. The 201 page law touches the lives of millions of people and all kinds of companies and organizations.

A lobbyist feeding frenzy

The law was therefore a feast for lobbyists. Even before the European Commission proposed the law in 2012,³ American companies were making lobby phone calls⁴ to Commission employees and using other channels to exert pressure.⁵ Former European Commissioner Reding called it the most aggressive lobbying campaign she had ever encountered.⁶

Afterwards, the European Parliament was flooded with the largest lobby offensive in her political history.⁷ The website lobbyplag (an initiative by Europe v.

Facebook) showed that some of the amendments proposed by American lobbyists were copied word for word by European politicians.⁸ Apart from that, 'astroturf' groups were active: organizations that claimed to be independent organizations, like the European Privacy Association were caught breaking lobby transparency rules and had to change their entry in the lobby register (rumored to be connected to Google, Microsoft and Yahoo – according to this Dutch fragment of Reporter Radio on the lobby in Brussels).⁹ Despite all of this, Members of the European Parliament eventually adopted a text which would offer citizens more protections against unfair data processing.¹⁰

Unfortunately, representatives of national governments took a different approach and left few of those protections in their proposed text.¹¹ In particular, they aimed to undermine the protection of citizens was abandoned in the context of profiling and big data.¹²

The lobby-freedom of information request

We were therefore very curious about the lobby offensive at the level of government. So using the Dutch freedom of information act (called Wet



Openbaarheid van Bestuur), we asked for all the lobby documents on this subject at the ministries of Economic Affairs, Security and Justice and the permanent representation to the EU (that negotiates on behalf of the Dutch government in the EU).

The Lobby-tomy

These documents were then sent to us by the Dutch government and we gladly published them on our website.¹³ They show what kind of organizations have tried to influence the Dutch government and what their positions are. In this report we will provide some insight. What kind of organizations are lobbying? What are the most important themes that constantly surface? What kind of arguments are used?

This way, we try to give you an impression of the lobby behind the scenes. We obviously don't have all the information. We for example lack information about phone calls made or what has been said in-between meetings. This document deals with the lobby documents only, which also contain emails. We invite you to read along as we go on.

Hereafter

This introduction will be followed by a series of chapters that have been published as blogs on our



Afbeelding gebaseerd op [Art Magnified](#) van [Theen Moy](#) (licentie: [CC BY-NC-SA 2.0](#))

website and in the EDRI-gram. In these chapters we will at times refer to lobby documents that are in a database on our website (we will also specify the URL so you can read them yourselves – although some of the documents are in Dutch). That database contains a list with all the lobbying parties and all the documents they have sent.¹⁴

02. WHAT WAS THE LOBBYING ABOUT?

What do companies really think about privacy protection? Publicly everybody thinks privacy is important, but do they think the same thing behind closed doors? What were the hot issues during the lobby and did everybody treat privacy protection well?

They want less data protection

Of all the (over 150) lobbying documents, unfortunately only three are clearly in favor of more data protection. Two of those are ours. The other one was sent by the European consumers association. That is a very low number.

We have qualified one third of the documents as unmistakably bad for data protection. This means that organizations in those cases want fewer obligations,

and want to make more data processing possible and/or easier.

Of course, judging almost two hundred lobby documents on their substance is no exact science. It doesn't get any more precise than in favor of "more" or "less" data protection. Still, a troubling image appears. What about the more specific provisions?

Hot issues

By far the most lobbying aimed at the obligations on data controllers and processors. In other words: what do organizations have to do to make sure they are processing personal data in a safe way? The new law prescribes that large companies and organizations in the public sector need to assign a 'data protection officer.' This person will make sure the company abides by data protection law, checks data processing and will be a point of contact for the data protection authority. Many companies however feel that this obligation is too expensive. In a letter to the ministry of justice, Thuiswinkel (a Dutch e-commerce lobbying organization) argues that they find these costs "incalculable."¹⁵ The European hotel, restaurant and café sector argues in an email to the permanent representation that these obligations are too

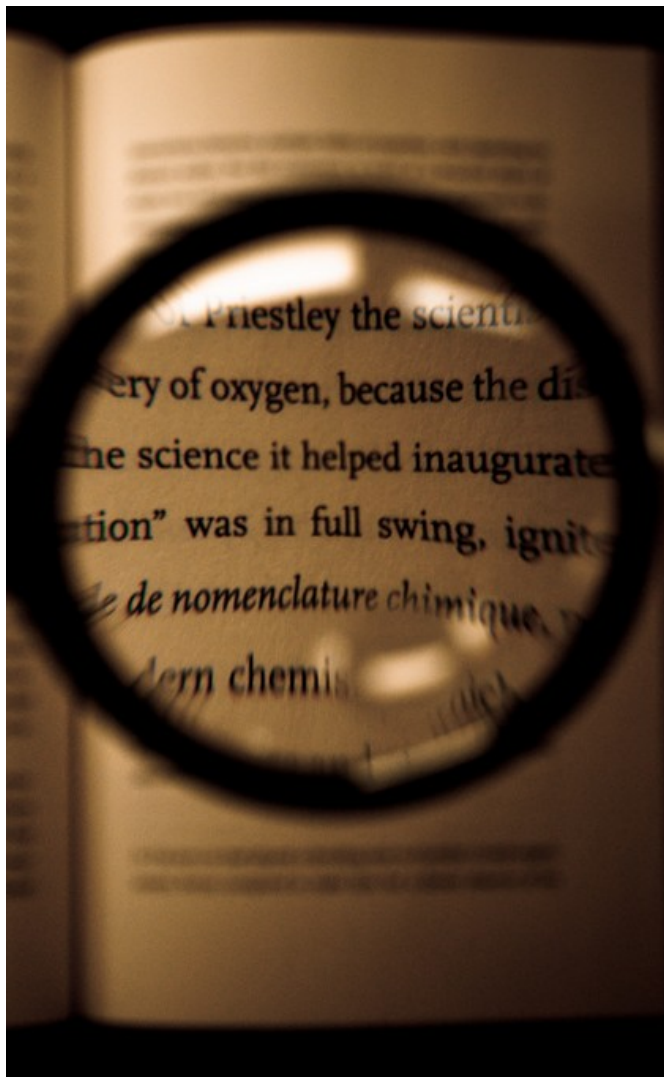
expensive and that the alternative, namely assigning internal employees with data protection duties, is too unsafe. They are unhappy with the proposed obligations.¹⁶

Annoying obligations

By far the most lobbying was done on the obligation to do a 'privacy impact assessment' before commencing with data processing. This means that before processing, someone will have to assess what the risks are and how to best prevent or mitigate those risks. Many are unhappy about this obligation. The hotel industry says that it should be up to the organizations themselves to decide whether or not an assessment should be done. Banks sent an email to the permanent representation saying they're also not happy with this obligation.¹⁷ Also Digital Europe (an organization that represents digital companies) sends an email to the Dutch permanent representation where they call this obligation "problematic."¹⁸

The main theme in all these lobby documents is that companies want to decide for themselves whether or not to abide by these obligations or that they would rather have fewer obligations in general. Apart from that, they ask that the provisions take the particular





Afbeelding gebaseerd op [Magnified \(8/365\)](#) van [Jake Bouma](#)
(licentie: [CC BY-NC-SA 2.0](#))

risks associated with data processing into account. But more on that in a later chapter.

'Grounds for processing'

The second biggest subject of lobbying concerned whether companies are allowed to store and process data and who gets to do this. Advertisement companies, insurance companies, banks, media: everyone thinks processing should be made easier. In an email to the ministry of security and justice, the Dutch publishing association argues that third parties should be able to process data for another purpose than the purpose for which the data have been collected, as long as they have a legitimate interest to do so.¹⁹ That's a bad subversion of the rest of the regulation: how can people trust that their data is protected if they don't know who (as a third party) will be able to further collect and share their data for other purposes?

Definitions

Many organizations lobbied about definitions. What is personal data? How far does the law reach? The law clarifies what subject matter it deals with and what every specific word means. That's how it works in legislation. This allows lobbyists to have a big

influence by explaining words in particular ways. For example, many parties want to be able to explain the word 'explicit' (for consent) to their own advantage. That's not surprising, because the law prescribes that processing certain types of data requires 'explicit consent.' In an email to the permanent representation, Tele2 states that they think consent doesn't need a positive action or a statement (in other words: simply surfing onwards on a website would be considered consent for... well, you can... or rather, you would have to guess).²⁰

03. WHO ARE LOBBYING?

Did you know that there are 340.000 dentists in Europe? And that they lobby about privacy? Who else lobbies? How do parties/groups create coalitions to persuade policy makers? What's the mayor of Amsterdam doing in Brussels? In this chapter of the privacy lobby we describe the different parties that are lobbying.

Authority and representativity

Right. So there are 340.000 dentists in Europe.²¹ Apart from that, there are 73 Jewish genealogical societies who in total have about 10.000 members.²² Also, In an email to the ministry of justice, it becomes apparent



that the Inretail association acts on behalf of 6.000 shopkeepers and 16.000 shops in the “non-food” sector.²³ This sector entails “living and fashion, shoes and sports.”

These aren't just random facts. This “number-dropping” has a specific aim: claiming authority and representativity to convince policy makers. Many parties do this to underline the importance of their position and arguments. In Brussels this is particularly important: there are many organizations that act on behalf of an entire sector on a European level. Insurance Europe for example acts on behalf of the insurance sector in the different member states.²⁴

Access

It also facilitates access. No longer five different technology companies have to knock on a policy maker's door, but just one, who also happens to know that policy maker very well because he's been there quite often. This is why many organizations choose to be represented by local consultants. Individual companies – especially rich ones – might be part of two or twenty-two such organizations.

The power of coalitions

It's even better if you can speak on behalf of an entire



Afbeelding gebaseerd op [Hombre invisible teléfono](#) van [Pablo Manzano Sandín](#) (licentie: [CC BY-NC-SA 2.0](#))

coalition. It basically means: these points are really important, because organizations from completely different sectors support them. If you don't accept these points as a policy maker, you run the risk of disregarding different sectors at once.

That is why some organizations launch new coalitions. Take a look at the email from Ericsson to the permanent representation for example,²⁵ which announces wonderful news in a lobby document: a new coalition has been started that contains different companies from different sectors. And this coalition is very important: “With an aggregated turnover of over € 100 billion and some 520,000 employees worldwide, the Coalition members' considerable presence allows them to bring growth, progress and jobs to the EU's economy.”

One coalition that lobbies a lot is called the 'Industry Coalition for Data Protection.'²⁶ Although the name suggests otherwise, they aren't actually in favor of more data protection. Members are for example advertising agencies, European Internet providers, media companies, and the 'Chamber of Commerce', an American lobby organization. Taking just one example, Microsoft is a member of nine of the

associations that are part of this “coalition”. Just how many voices does one company need?

Notable organizations

One thing stands out when going over the list of lobbying parties: Google, Microsoft and Facebook aren't on the list. Does that mean they didn't lobby? Well, they most certainly did, as can be seen from the Microsoft example above. Furthermore, the documents we obtained are just the lobbying letters.

The list also contains very eye-catching parties. Toy manufacturers for example,²⁷ the country Poland²⁸ and the mayor of Amsterdam.²⁹ The latter has asked critical questions on behalf of city archives in an email to the ministry of justice.

Regular customer

But who frequents the offices most often? That without a doubt is VNO-NCW, who represents Dutch businesses. They alone send almost a tenth of all the lobby letters.

Discussion behind closed doors

It's clear that there has been a lot of contact between businesses and the government and that there have been discussions behind closed doors. That in itself is

important, but we will talk some more about this in a later chapter.

04. INNOVATION IS THE MAGIC WORD

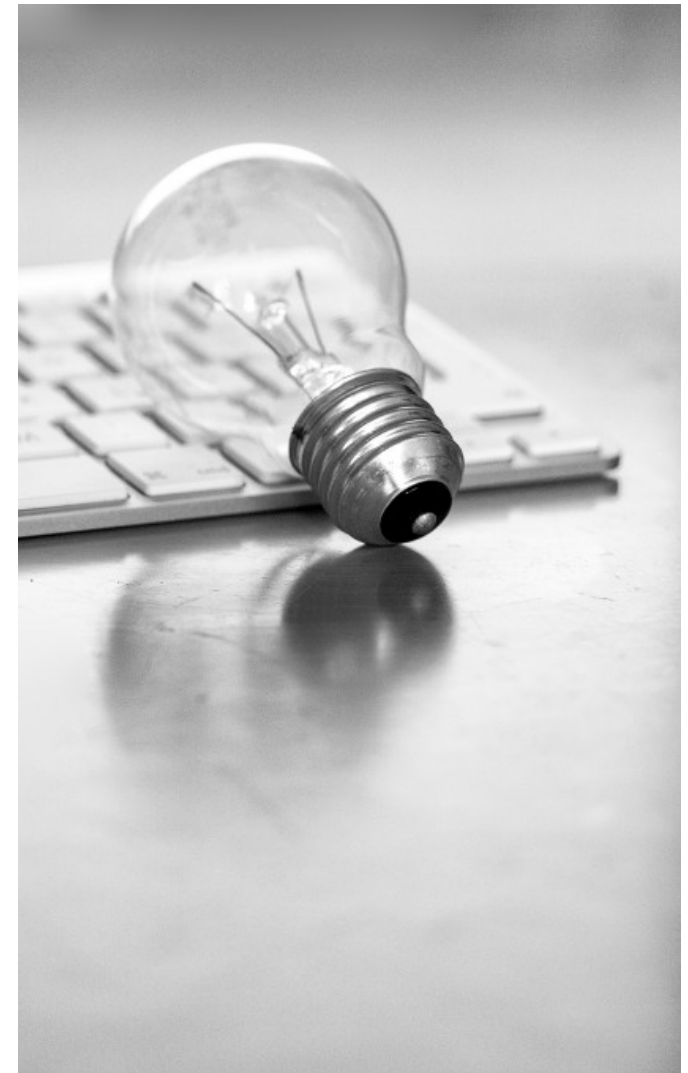
If there is one term that seems to be popular in the current political climate, it's “innovation.” Lobbying is about convincing policy makers of the importance of your position. But is innovation really a good argument?

Why innovation?

Why would the term innovation be used so much? In the first place, it's because parties themselves are convinced that the policy proposals they make will lead to 'innovation.' Apart from that, innovation is 'hip.' But it's also an empty word. As professor Neil Richards might say: you could replace the word “innovation” with the word “magic” and it wouldn't alter the substantive meaning of the phrase.³⁰

So.. innovation!

Lobbies are attuned to the convincing concept and the word surfaces quite often. For example, in the letters by VNO-NCW,³¹ the Dutch employers' organization. They argue that there should be fewer obligations imposed on companies, so they use the innovation



Afbeelding gebaseerd op [Spirit of Innovation](#) van [Daniel Foster](#) (licentie: [CC BY-NC-SA 2.0](#))

argument quite happily. In a letter to the ministry of justice, they argue as a headline: “innovation is obstructed.”³² Underneath this header it says:

“Different strict prescriptions in the law limit all kinds of innovative applications. Opportunities that haven’t even been conceived yet. Like for example applications with ‘big data’ and ‘the Internet of things’”

Opportunities that haven’t even been conceived yet!
Magic!

“‘Big data’ enabled the prediction of the spread of a flu epidemic based on the search behavior of consumers, even before those people had actually seen a doctor. The proposals limit this application in practice.”

How this limitation takes place in practice is not specified. It is also interesting to note that Google Flu Trends, which they are referring to, was criticized for being inaccurate.³³ Apart from that, some suggest that Flu Trends will disappear to the background because it hasn’t delivered enough. One academic calls it an example of big data “hubris.”³⁴

The letter continues:

“The ‘Internet of things’, which requires that an increasing amount of utensils (heart meters, cars, coffee machines) are connected to the Internet, is also obstructed. The requirements of explicit consent and of visible uniform information are simply not applicable in all cases. Will consumers have to scroll through privacy statements on the tiny screen of the heart rate monitor and will the creator of a smart coffee machine have to build a consent button next to the cappuccino button?”

A funny example, but for an organization that mentions innovation this much, not a very innovative approach to transparency and consent. No, it doesn’t have to be exactly like a cookie statement. Information and transparency can also be provided through other means.

Other lobbies take a similar approach. Take a look at the email from Business Europe to the perm rep, in which they say that big data will generate a lot of money, but only with rules that they are lobbying for..³⁵

Future business models?

Media companies go one step further. Publishers of newspapers and magazines lobby for gaping holes in our privacy protection to enable “future business

models.”³⁶ In emails to the permanent representation³⁷ they write that they should be able to discard the principle of purpose limitation for third parties. That’s really worrisome. Purpose limitation is a fundamental principle of data protection: it guarantees that if you share your data for one purpose, that data isn’t further processed for other purposes. You share your private information with your doctor in the knowledge that he or she doesn’t share that with others. Media companies want to discard that principle because they might need the data for future business models. We would sacrifice something without knowing what we get in return. That’s really problematic.

Innovation is not a ‘carte blanche’

In the economic domain the false contradiction innovation vs. privacy proves very popular but it’s nonsense. It’s also persuasive. Who wants to be against “innovation”? The innovation argument should therefore always be treated with caution. As a society we should strive towards trust-inspiring privacy friendly innovation and not sacrifice our fundamental principles because someone promises the world to us.

05. LEGAL HELP OR POLITICAL CHOICES?

Is legal help always objective? Writing laws is a complicated process. A frequently used lobby strategy involves offering “legal help” and arguments that promise legal certainty. Parties claim to make no substantive choices for policy makers, but is that really the case?

Drafting legislation is a complicated process, in particular where it concerns laws of this magnitude. An additional issue is that the subject matter is often technical in nature. That means that policy makers actively seek the help of experts. It also means that any offered help is very welcome.

Technical amendments

Parties offer that help happily. VNO-NCW offers the perm rep her expertise in a 76 page letter.³⁸ The letter contains “technical amendments.” In other words, matters that according to them are not political. It concerns the correct legal articulation of an article, but also other choices: how access request should be answered (“that they should be answered is without question”).

The letter contains a lot of legal fine tuning. For example, the employers' organization corrects that you can satisfy your obligation to provide information

to people, but that this happens in “a notice” and not in “a policy” which is written in the regulation at the time. That is a justifiable correction: after all, you're not sending policies to people, but a notification that contains that policy.

However, it appears choices are made that go one step further than mere legal fine tuning. In one article for example, they correct that an organization may process information for a legitimate interest “or that of a third party.” That makes the article much broader in scope. Although they state that this would be a return to the previous privacy directive, it concerns choices that we think are controversial. They also write that it should be left to organizations themselves how they answer information requests (electronically or not?), but that also exceeds mere legal fine tuning. In yet other articles they talk about diminishing the burdens on companies. That can be a good thing, but isn't necessarily neutral.

Clarification

Techamerica Europe (an organization that acts on behalf of tech companies with American roots) also offers some clarifications in an email to the perm rep³⁹ and the ministry of justice.⁴⁰ They mention a

misunderstanding about profiling, where they think the intention behind the article hasn't been addressed properly. The text at the time said that people only have to be informed about profiling if it has a “significant effect” on them and that only then they should be offered an opt-out. This means that the protection this article grants applies in only limited cases, because that is small threshold. However, they want to change the wording “significant effect” into “severely affects.” This would mean you would only have to offer an opt-out from profiling if it has really severe consequences. This makes the protection this article offers much more difficult to apply. About the original text they say:

“We reject this idea, and believe that the intention of the Article is to focus on clearly unfair or discriminatory practices such as the denial of insurance cover.”

Oh really? Many different organizations, including us, would disagree with that. To us, this article is about allowing people to know that their Internet experience is adapted to their profile and allowing them protection from this. Furthermore, it would be difficult to prove “severe consequences” in this context, which



would limit the protection the article offers drastically.

Legal certainty

Closely tied to this legal help is the concept of legal certainty. It means you should be able to trust a clear interpretation of the law, instead of encountering surprising interpretations that could cost you. In other words: when there is legal certainty, companies can take risks easier, without running the risk of gigantic fines. Legal certainty is very important in our society.

This legal certainty isn't always there in the regulation. The law aimed to harmonize all privacy legislation in Europe. The current text however has many exceptions that allow the member states of the European union to regulate areas themselves (called delegated and implementing acts).

IBM justly addresses some remarks to this in a letter to the ministry of economic affairs:⁴¹

“The final text must, then, provide for a high degree of legal certainty and predictability. With its [49] delegated and implementing acts, the draft does anything but.”

But IBM extends this legal certainty to the obligations

put on businesses.

“Newly proposed obligations are too vague or too complex to be properly understood – or complied with. New constraints on implementation would remove the flexibility European businesses need to innovate and thrive. Nor are IBM's concerns limited to the information technology sector in which we participate.”

They make a connection between legal certainty and obligations. IBM wants more flexibility. But that would make it more unpredictable for people. How would people be able to tell what obligations apply to companies and whether they stick to those obligations?

It shows that although offering legal help can be necessary, it can also be abused.

06. NOT IN MY BACKYARD

Something you'll hear in policy debates on the environment: windmills are fun and obviously good for the environment, but we don't want them in our backyard. This argument doesn't just apply to the debate on the environment, but apparently also in the

debate on privacy protection. Sectors would rather not see privacy rules applied to them. This is understandable at times, but should not be an excuse.

Everything is great, but..

The lobby letters all share a generally positive tone of voice. Many letters start off with: “we welcome the provisions.” Other parties think the regulation is an important step to further regulate the economy and to increase consumer trust. These sentences are often followed by a 'but', in which case the letter moves onwards to exceptions. The data protection regulation contains exceptions in the last provisions, that aim to safeguard research, archiving, journalism and freedom of religion. According to organizations, these exceptions aren't enough, and therefore they lobbied for more.

Not for our sector!

Because these new rules are important, but also very annoying to specific sectors. There are many letters by archive institutions who say they are unhappy. In a letter to the ministry of justice, the Cadastre and the Chamber of Commerce say that the new privacy law should take archives and registers better into account.⁴² They for example don't think it would be fair



if people can delete their data there.

After all, this wasn't the case in the previous privacy law, they say. According to that law, the right to restrict processing wasn't applicable to these kinds of registers. Furthermore, the organizations ask the government to critically evaluate the commercial reuse of public sector information, by which they also refer to open data and privacy. We think this is a relevant question. Like they mention in their letter, it "runs into a lot of public resistance, based on privacy concerns."

Medical research

What's also striking is that many Dutch health research institutions are unhappy with the exceptions for scientific research.⁴³ The Hartstichting (heart foundation) says "we have our own ethical standards." In their letter, they explain that they use different methods to obtain consent and that they employ their own ethical commissions to evaluate data processing.

Judges

Judges also want an exception. In a letter of the 'European Network of Councils of the Judiciary' (a European body for the national councils of the judiciary) they say that it would be worrisome if there

were to be insufficient exceptions for judges.⁴⁴ They for example want to prevent that correspondence between judges is accessed as personal data by the person(s) they are discussing. Or e-mails for example.

Housing corporations

According to housing corporations the proposals "mean quite a lot."⁴⁵ In a letter to the ministry of justice, they claim to be sufficiently regulated by "all kinds of policy and legislation" in "more or less fragmented legislation, like for example the cookie law."

Among other things, they think that they would face an information obligation that would be too extensive under the current proposals. With regards to the right to delete and the right to be forgotten, they say:

"Many organizations and in particular housing corporations have complaints mechanisms and complaints commissions. An extension with more complaints opportunities is an unreasonable burden. Also, the right to delete can breach the retention obligation from the proposals."

That's a bit strange. Because there are already complaints mechanisms, housing corporations want

to take away people's ability to check the accuracy of their data and the ability to remove superfluous information?

Housing corporations have more complaints. They think there are too many burdens, the fines are disproportionate and they think they should be able to decide how organizations grant access to data. They think there has been very little recognition of local interests and they therefore propose to regulate privacy in a different way: not through one European law, but through a series of obligations that can be translated by member states themselves in national legislation.

Not for our country!

And the same can be heard from other organizations. Our land is exceptional, so maybe we should do things differently. In a letter to the ministry of justice, Danske Medier, a large Scandinavian media company, criticizes the changes made by the European Parliament:⁴⁶

"Without any discussion – perhaps even by accident – they then wiped away the legal prerequisite for telephone marketing to private households, which is the traditional and most effective way of selling news



media in the Nordic countries.”

To them, it's also about making data available for other organizations:

“To a great extent, the high penetration of newspapers and other news media in Norway, Sweden and Denmark is due to the fact that consumers in these countries may be contacted by telephone by certain business sectors, which are fundamental for a viable democracy.”

The interesting thing about this is that it means that data processing by third parties should be made easier in the whole of Europe, just to satisfy the requirements of a business model often used by Scandinavian media.

Can't we fix this ourselves?

CIO, the ecclesiastical counsel, is not happy with the current way the exception for churches is phrased in the text.⁴⁷ Dutch churches have their own way for registration and the administration of data (SILA).

“We recommend you to choose a formulation that delivers more possibilities and autonomy, so that an appropriate form of management and processing of

personal data can be formed for the Churches and where the unique SILA system as we know it today is respected in the Netherlands.”

At times justified, but no excuse

At times it can be justified to create exceptions like this. But it is important to stay watchful in cases of self-regulation. Advertisement companies for example also want more self-regulation, as they argue in a letter to the ministry of justice.⁴⁸ Is that because they have so much confidence in their own ability or because they want to evade legal obligations?

07. NOT ALL ROADS LEAD TO PRIVACY

Within the privacy world, different schools of thought exist. Connecting different viewpoints to a seemingly positive ideology is also a persuasion strategy.

If one school of thought has been successfully put in the limelight, it is the “risk-based approach.” It means that when policy makers formulate obligations for industry, they should take the risks of data processing into account. Strict obligations should only accompany large risks. But that too can't be an excuse to create a lower level of protection for people.

If we read the lobby letters correctly, one of the most important offices behind this approach is the 'Centre for Information Policy Leadership'⁴⁹ of Hunton en Williams “LLP”. Although the term is older, they launch a 'risk based approach framework' in January 2014, after which the subject resurfaces repeatedly.⁵⁰

The new privacy law creates new obligations for organizations that plan to process a certain quantity of data. An organization is for example required to do a 'privacy impact assessment' before processing data, in which the organization will have to evaluate the consequences of the processing for the privacy of people. In some cases, the processing should be notified to the authority. Apart from that organizations should have a data protection officer, who handles supervision of all privacy topics internally. Furthermore, organizations are required to notify data breaches to anyone connected to the data.

Companies are not happy about this. We already mentioned that these are the themes that have been lobbied on the most. They say, briefly: allow us to only fulfill those obligations if it's to prevent large risks.

Support

It doesn't surprise that many of the usual suspects



support this risk based approach. TechAmerica Europe, an organization that represents the interests of European technology companies “with American parentage,” strongly supports this.⁵¹ Banks also want such an approach, they email⁵² in their position paper to the permanent representation.⁵³ The hospitality industry⁵⁴ and many other industries as well. Thuiswinkel.org⁵⁵ (a Dutch e-commerce representative) says in an email to the ministry of justice: “The current reforms are not adequate enough in the eyes of Thuiswinkel.org, in particular because the proposals lack a “risk-based” approach.” Even the royal academy for sciences seems to be a proponent of this approach.⁵⁶

Consistency

To strengthen their arguments, different parties use ‘commitment and consistency’. The trick is that people like to present one unambiguous image of themselves. So people will want to act in ways that are congruent with their statements. Therefore, the Centre for Policy Leadership uses statements of influential politicians from the group of people they are trying to influence, who have been positive about the risk based approach.

In a letter by the Centre for Information Policy Leadership to the ministry of justice⁵⁷ European commissioner Reding is quoted as a proponent of this risk based approach, just like the council of ministers that the letter aims to convince. You were in favor of a risk based approach right? Then you should also agree to our demands. The former European Data Protection Supervisor (the highest privacy officer at the EU) Peter Hustinx once made positive statements about this approach, and these are quoted quite happily in a letter by the Industry Coalition for Data Protection to the ministry of justice:⁵⁸

“ICDP strongly agrees with the European Data Protection Supervisor, Peter Hustinx that data protection legislation is most effective when it follows a risk-based approach.”

Careful!

A risk based approach is not a crazy idea. But it can't be an excuse to evade important obligations, the collective of privacy watchdogs in Europe said.⁵⁹ A well described liability based on agreed criteria can assure that companies keep privacy protection in mind at an early stage. Those criteria should obviously be proportional, so a sole proprietorship that serves only

fifty customers per year shouldn't be required to send a privacy impact assessment to the data protection authority every week or to hire a data protection officer. But we should also be weary of abuse. Digital Europe (a lobby organization for digital businesses) for example wants to make sure that companies can decide for themselves what constitutes risky.⁶⁰ That would make evading supervision very easy.

Privacy schools of thought

Connecting your viewpoints to clear schools of thought can aide your cause. That's why more schools of thought than the 'risk based approach' are mentioned in the lobby documents. Vodafone wants a more 'principle based' approach (which means they want more flexibility).⁶¹ Yet other companies mention the 'harm based approach', the 'use based approach', the 'precautionary based approach' and others.

Whatever school of thought one prefers, no one can currently predict the risks well. What we do know is that more data will be collected and increasingly used. This makes every choice we make now only more important for privacy protection in the future.

08. ANTI-FRAUD! THE OTHER MAGIC WORD



Anti-fraud is an important argument for less privacy protection. Insurance companies, banks, and lenders use it to get access to data.

Anti-fraud

Fraud: nobody likes it. But even though it's a legitimate purpose to collect and process data, there should be limits as well. Those are unfortunately very difficult to determine, because: more protection against fraud is better, right?

Insurance companies

For insurance companies, it's a very important argument. In a letter to the ministry of security and justice the 'Verbond voor Verzekeraars' (the alliance of insurance companies, an interest group for insurance companies in the Netherlands) writes that they want to make it easier to process sensitive data, to make sure that they can use health data for insurance purposes (like life insurance).⁶² Apart from that, they want to be able to consult someone's criminal past, to prevent fraud.

Those same data – so all data that are important to prevent fraud – can't fall under the right to be forgotten, according to the insurance companies.

Insurance Europe, who represents European national insurance companies, has a more extensive wish list.⁶³ Their letter to the permanent representation obviously starts with "Insurance Europe welcomes the European Commission's (EC) objective to further harmonize the data protection legislation within the EU and strengthen individual's rights."

But they want to limit the application of the article on profiling with regard to the activities of insurance companies.

"Insurance Europe recommends that the rules on profiling as proposed in the draft Regulation are amended to avoid prohibiting or restricting risk-adequate rating, rate classification and risk assessments necessary for premium calculation."

That's interesting, because we saw an earlier letter by TechAmerica in which the authors said that they thought the article on profiling was specifically meant for insurance companies.⁶⁴ Which isn't a crazy idea. Debates about profiling quite often refer to the activities of insurance companies.

Banks and credit

For banks and lenders fraud is an important argument

as well. The Federation of European National Collection Associations, that represents debt organizations, writes in a letter to the ministry of justice that they would like easier access to data.⁶⁵ Even when it's for a different purpose than for which the data have been collected. That's opening the floodgates. Even though collecting debt is important, that would be excessive.

Experian, a data broker who supplies credit analyses (would someone be eligible for a loan?), also wants to make sure that companies should more easily be able to reach certain data when they have a legitimate interest. ⁶⁶

"Private law enforcement"

According to the Rabobank, banks have "big worries about the capabilities to fight crime under the upcoming data protection regulation."⁶⁷ In an email to the ministry of justice they express their concern about the limited ways to process criminal records to prevent fraud.

The Dutch association for banks (De Nederlandse Vereniging voor Banken) delivers her arguments and those of the European Bank lobby in a seventy page⁶⁸ document.⁶⁹ In this document, they write that 50% of



all data is currently processed on the grounds of a legitimate interest.

They worry about the increased emphasis on consent by data subjects and the additional requirements described in the provisions on profiling. They also aim for definitions to prevent all these requirements. They for example say:

“Art. 4(3a) defines profiling. However it makes no distinction between profiles of the personality of individuals and the outcome of algorithms that monitor deviations from average use of products in order to detect e.g. internet fraud. Such calculated average use of a product should not be confused with the profile of a personality.”

In other words: the protection against profiling described in the text, should only apply to certain ways of profiling (to creating profiles of someone's personality, not to how people use products). The consequence is that it's more difficult for citizens to know what rights they have.

Thomson Reuters (an international company that aims to prevent fraud) emails about the importance of the World-Check program that helps governments and

companies in combating fraud with the help of open data.⁷⁰ This re-use of open data is very controversial at the moment.

Anti-fraud shouldn't be a 'carte blanche' either

Combating fraud is important. But it also requires a careful balancing of the interests of the people on the one side, and the interests of the financial industry on the other side. It's a debate that stretches beyond Internet freedom alone and touches on solidarity in our society. Will people have equal access to loans or insurance? Or will this access be reserved for healthy and more highly educated people?

A lack of awareness considering this careful balance is nicely illustrated in the letter by Eurofinas to the permanent representation. They act on behalf of consumer credit organizations in Europe and want to get rid of data minimization (a fundamental principle of data protection law: data collection should be proportional so companies should only collect the minimum amount of data necessary for the purpose for which they collect it), but at the same time think the sanctions connected to infringement of the data protection law are disproportionately high. Isn't that ironic?

In any case, we don't think the motto should be: open the floodgates and more data is better. We want to make sure the data is as accurate as possible. This means we should create requirements that relate to the quality of the data. This includes taking into account the context in which they have been collected. Apart from that, combating fraud should happen in a transparent way: as a citizen, you should be able to tell what data has been collected about you and how those data are used 'against you'. Only in this way, you can check whether you were justifiably refused a loan, should that ever happen. Apart from that, other limits should be taken into account: combating fraud cannot lead to exclusion or discrimination.

09. LESSONS OF THE LOBBY. WHAT WILL THE NETHERLANDS DO?

The new European privacy law was a feast for lobbyists, but how did the Dutch government deal with all that information? And is lobbying bad?

In the previous chapters you've been able to read all kinds of things about the privacy lobby. What parties lobbied, what they lobbied about, and what kind of arguments they used.



What will the Netherlands do?

The question that quickly rises is: what will the Netherlands do? This is more difficult to tell. In the parliamentary papers there are letters from the government in which the state secretary (first Teeven, later Dijkhoff) periodically informed the Dutch parliament about any developments with regards to the negotiations (if you speak Dutch and want to find out for yourself, look for documents on the website of the Dutch parliament with order number 32761, they deal with data protection).⁷¹ In it, he describes in general terms what has been discussed in the negotiations and what the Dutch position more or less is. Apart from that, Statewatch occasionally leaks preliminary reports of meetings.⁷²

From a letter to the Dutch parliament in 2012⁷³ it's for example clear that the Netherlands strongly supports a risk based approach (as seen in chapter 7). We already mentioned that this was the most lobbied on: in particular on the obligation to make an 'impact assessment' before processing data and that companies are required to have a data protection officer. About those obligations, the Dutch government says:

"Furthermore, article 22 in principle fully applies to all controllers, which includes small entrepreneurs and even in some circumstances to individual citizens. It will create a higher burden on supervisory authorities. A risk based approach would have been better."

Apart from that, the Netherlands wants to make it easier to process health data, according to a letter to the Dutch parliament from 2014.⁷⁴ They say this is important for research. On this too, many lobby letters were sent to the Dutch government, for example by medical research centers (chapter 6).

Moreover, the Dutch government wants broader exceptions for the processing of health data by other organizations, like insurance companies. Many lobby letters were sent on this topic (in the case of anti-fraud, see chapter 8).

There are more similarities between the substance of the lobby letters and what the Dutch government proposes. Although the Netherlands claims to be a proponent of strong protections in the field of profiling, they do ask for the a certain degree of flexibility for other forms of automated decision making (this too was in many lobby letters - and check page 2 and 3 of this letter to the Dutch parliament

from July 2014).⁷⁵ Apart from that, the Netherlands argues in the same letter to the Dutch parliament that companies should more often have a legitimate interest in cases of "less significant measures" like direct marketing. That means that companies in those cases do not require consent to collect and use data. This too we've read before (for example in letters by media companies, see chapters 4 and 6).

How successful has the lobby been?

Although there are visible similarities between the lobby letters and the position of the Dutch government, it is difficult to produce evidence for the fact that representatives of the government have listened to lobbyists too much. We simply can't know what's been said in meetings between representatives of governments and what the Dutch government proposed in meetings like that. Apart from that, it's difficult to prove a causal link: maybe policymakers had already agreed on a specific position before the lobby letters arrived.

So.. Is lobbying bad?

We can say something about lobbying in general. Looking at the amount of legislative texts circulating, being drafted and adapted back and forth, and looking

at the amount of invitations for meetings and letters sent tot the ministries, it's clear that lobbying plays a large role in our decision making process. Lobbying is important.

That's why we do it as well, with or without our sister organizations in Europe, as you can quite often read on our blog. Lobbying can be very useful. It allows organizations to shed new light or to bring forward a unique problem that hasn't been considered yet. Apart from that, it can be useful for policy itself: you can't expect that everyone shares the same expertise. It can therefore be very important and useful to offer it.

Meanwhile, there are also worries. Looking at the letters, it's clear that large companies are over represented. How can we know that there has been a proper weighing of all the different interests in society? Also, the letters at times contain bad arguments. We certainly hope the Dutch government doesn't succumb to the argument "innovation" *end of argument* or to the argument "future business models." Also, there are transparency issues: this is just the tip of the influence iceberg concerning a long and complicated legislative process. This can and should be better.

The lobby-tomy

Overall, we hope that we have given you an insider's view of the lobby process concerning the new European privacy law.




EINDNOTEN

1. For the series of blogs and documents, see the Bits of Freedom website: <https://www.bof.nl/category/lobby-tomie/>
2. Floris Kreiken, "Herrie in de Europese privacykeuken," Bits of Freedom website (15 June, 2015), <https://www.bof.nl/2015/06/15/herrie-in-de-europese-privacykeuken/>
3. "Commission proposes a comprehensive reform of the data protection rules," European Commission press release (25 January 2012), http://ec.europa.eu/justice/newsroom/data-protection/news/120125_en.htm
4. European Digital Rights and Access, "Data Protection \Lobbying," #EUdataP - issue 03, <https://edri.org/files/eudatap-03.pdf>
5. Thomas Brewster, "Facebook Lobbies Brussels In Earnest On EU Data Privacy Proposals," TechWeek Europe (8 November 2012), <http://www.techweekeurope.co.uk/workspace/facebook-lobbying-eu-data-privacy-98645>
6. Matt Warman, "EU Privacy regulations subject to 'unprecedented lobbying'," The Telegraph (8 February 2012), <http://www.telegraph.co.uk/technology/news/9070019/EU-Privacy-regulations-subject-to-unprecedented-lobbying.html>
7. William Long, "Significant impact of new EU data protection regulation on financial services," Global Banking & Finance Review (18 April 2014), <http://www.globalbankingandfinance.com/significant-impact-of-new-eu-data-protection-regulation-on-financial-services/>
8. Glyn Moody, "How Lobbyists' Changes to EU Data Protection Regulation Were Copied Word-For-Word Into Proposed Amendments," Techdirt (12 February 2013), <https://www.techdirt.com/articles/20130212/04013421949/how-lobbyists-changes-to-eu-data-protection-regulation-were-copied-word-for-word-into-proposed-amendments.shtml>
9. Reporter Radio, "De lobby in Brussel," NPO - Reporter Radio (4 October 2015), http://www.npo.nl/reporter-radio/04-10-2015/RBX_KRO_956321/RBX_KRO_2186360
10. Janneke Slöetjes, "Drie gaten in nieuwe EU Privacywet," Bits of Freedom website (12 March 2014), <https://www.bof.nl/2014/03/12/drie-gaten-in-nieuwe-eu-privacywet/>
11. Floris Kreiken, "Herrie in de Europese privacykeuken," Bits of Freedom website (15 June, 2015), <https://www.bof.nl/2015/06/15/herrie-in-de-europese-privacykeuken/>
12. Floris Kreiken, "Echte (Big) Databescherming vraagt om goede regels rond profilering," Bits of Freedom website (17 September 2015), <https://www.bof.nl/2015/09/17/echte-big-databescherming-vraagt-om-goede-regels-rond-profilering/>
13. For the series of blogs and documents, see the Bits of Freedom website: <https://www.bof.nl/category/lobby-tomie/>
14. For the series of blogs and documents, see the Bits of Freedom website: <https://www.bof.nl/category/lobby-tomie/>
15. Letter by thuiswinkel.org to ministry of justice (6 October 2014), <https://www.bof.nl/static/lobby-tomie-documenten/VENJ/20141006-034-thuiswinkelorg.pdf>
16. Email by Hotrec to Dutch perm rep (19 March 2014), <https://www.bof.nl/static/lobby-tomie-documenten/EU/20140319-006-hotrec-hotel-restaurants-cafes-in-europe.pdf>
17. Email by European Banking Federation to Dutch perm rep (29 September 2014), <https://www.bof.nl/static/lobby-tomie-documenten/EU/20140929-017-european-banking-federation.pdf>
18. Email by Digital Europe to Dutch perm rep (6 September 2013), <https://www.bof.nl/static/lobby-tomie-documenten/EU/20131206-035-digital-europe.pdf>
19. Email by Nederlandse Uitgeversbond to ministry of justice (10 July 2014), <https://www.bof.nl/static/lobby-tomie-documenten/VENJ/20140710-054-nederlandse-uitgeversbond.pdf>
20. Email by Tele2 to Dutch perm rep (1 March 2013), <https://www.bof.nl/static/lobby-tomie-documenten/EU/20130301-079-tele2.pdf>
21. Email by Council of European Dentists to Dutch perm rep (8 December 2014), <https://www.bof.nl/static/lobby-tomie-documenten/EU/20141208-013-council-european-dentists.pdf>
22. Letter by International Association of Jewish Genealogical Societies to ministry of justice (29 August 2013), <https://www.bof.nl/static/lobby-tomie-documenten/VENJ/20130829-012-international-association-jewish-genealogical-societies.pdf>

EINDNOTEN

23. Email by INretail to ministry of justice (10 April 2014), <https://www.bof.nl/static/lobby-tomie-documenten/VENJ/20140410-055-inretail.pdf>
24. Email by Insurance Europe to Dutch perm rep (17 October 2014), <https://www.bof.nl/static/lobby-tomie-documenten/EU/20141017-016-insurance-europe.pdf>
25. Email by Ericsson to Dutch perm rep (12 November 2015), <https://www.bof.nl/static/lobby-tomie-documenten/EU/20150112-081-ericsson.pdf>
26. Email by Digital Europe to Dutch perm rep (21 January 2014), <https://www.bof.nl/static/lobby-tomie-documenten/EU/20140121-091-digitaleurope.pdf>
27. Email by Toy Industries Europe to Dutch perm rep (3 February 2015), <https://www.bof.nl/static/lobby-tomie-documenten/EU/20150203-010-toy-industries-europe.pdf>
28. Letter by Poland to ministry of economic affairs (date unknown), <https://www.bof.nl/static/lobby-tomie-documenten/EZ/00000000-09-polen.pdf>
29. Letter by the municipality of Amsterdam to the ministry of justice (23 April 2013), <https://www.bof.nl/static/lobby-tomie-documenten/VENJ/20130423-009-gemeente-amsterdam.pdf>
30. Neil Richards, "Big data isn't magic," in: Will We Have Any Privacy After the Big Data Revolution? on Zocalo Public Square (24 September 2014), <http://www.zocalopublicsquare.org/2014/09/24/will-we-have-any-privacy-after-the-big-data-revolution/ideas/up-for-discussion/#Neil+Richards>
31. Letter by VNO NCW and MKB Nederland to ministry of economic affairs (4 August 2013), <https://www.bof.nl/static/lobby-tomie-documenten/EZ/20130804-10-vnoncw-mkb-nederland.pdf>
32. Letter by VNO NCW and MKB Nederland to ministry of justice (3 December 2013), <https://www.bof.nl/static/lobby-tomie-documenten/VENJ/20131203-017-vno-ncw-mkb-nederland.pdf>
33. Jeff Leek, "Why big data is in trouble: they forgot about applied statistics," Simply stats (7 May 2014), <http://simplystatistics.org/2014/05/07/why-big-data-is-in-trouble-they-forgot-about-applied-statistics/>
34. Tweet by Kate Crawford (5 November 2015), <https://twitter.com/katecrawford/status/662109710385029120?refsrc=email&s=11>
35. Email by Business Europe to Dutch perm rep (2 December 2014), <https://www.bof.nl/static/lobby-tomie-documenten/EU/20141202-089-businesseurope.pdf>
36. Email by European Newspapers Publishers Association and the European Magazine Media Association to Dutch perm rep (7 January 2014), <https://www.bof.nl/static/lobby-tomie-documenten/EU/20140107-029-enpa-emma.pdf>
37. Email by the European Publishers Council, European Newspapers Publishers Association and the European Magazine Media Association to Dutch perm rep (2 December 2013), <https://www.bof.nl/static/lobby-tomie-documenten/EU/20131202-034-epc-enpa-emma.pdf>
38. Email VNO-NCW en MKB Nederland to Dutch perm rep (6 March 2013), <https://www.bof.nl/static/lobby-tomie-documenten/EU/20130306-056-vnoncw-mkb-nederland.pdf>
39. Email by TechAmerica Europe to Dutch perm rep (15 January 2014), <https://www.bof.nl/static/lobby-tomie-documenten/EU/20140115-028-tech-america-europe.pdf>
40. Letter by TechAmerica Europe to ministry of justice (14 January 2014), <https://www.bof.nl/static/lobby-tomie-documenten/VENJ/20140114-023-techamerica.pdf>
41. Letter by IBM to ministry of economic affairs (date unknown), <https://www.bof.nl/static/lobby-tomie-documenten/EZ/00000000-11-ibm.pdf>
42. Letter by KvK Nederland, Kadaster and RDW to ministry of justice (16 April 2012), <https://www.bof.nl/static/lobby-tomie-documenten/VENJ/20120416-001-kvk.pdf>
43. Letter by Nederlandse Federatie van Universitair Medische Centra to ministry of justice (26 March 2013), <https://www.bof.nl/static/lobby-tomie-documenten/VENJ/20130326-008-nederlandse-federatie-universitair-medische-centra.pdf>
44. Letter by European Network of Councils for the Judiciary to ministry of justice (11 December 2013),

EINDNOTEN

- 
- <https://www.bof.nl/static/lobby-tomie-documenten/VENJ/20131211-020-european-network-councils-for-the-judiciary.pdf>
45. Letter by Aedes - Vereniging van woningcorporaties – to ministry of justice (January 2013), <https://www.bof.nl/static/lobby-tomie-documenten/VENJ/20140100-022-vereniging-woningcorporaties.pdf>
 46. Letter by Danske Medier to ministry of justice (23 May 2014), <https://www.bof.nl/static/lobby-tomie-documenten/VENJ/20140523-026-dansk-medier.pdf>
 47. Letter by CIO to security and justice (23 May 2014), <https://www.bof.nl/static/lobby-tomie-documenten/VENJ/20140523-027-interkerkelijk-contact-in-overheidszaken.pdf>
 48. Letter by World Federation of Advertisers and Allegro Group (date unknown), <https://www.bof.nl/static/lobby-tomie-documenten/VENJ/00000000-047-world-federation-advertiser-allegrogroup.pdf>
 49. Position Paper by Centre for Information Policy Leadership sent to ministry of justice (March 2013), <https://www.bof.nl/static/lobby-tomie-documenten/VENJ/20130300-007-centre-for-information-policy-leadership.pdf>
 50. Letter by Industry Coalition for Data Protection to ministry of justice (28 May 2014), <https://www.bof.nl/static/lobby-tomie-documenten/VENJ/20140528-028-industry-coalition-data-protection.pdf>
 51. Letter by Tech America Europe to ministry of justice (3 May 2013), <https://www.bof.nl/static/lobby-tomie-documenten/VENJ/20130503-010-techamerica-europe.pdf>
 52. Email by European Banking Federation to Dutch perm rep (29 September 2014), <https://www.bof.nl/static/lobby-tomie-documenten/EU/20140929-017-european-banking-federation.pdf>
 53. Position paper of European Banking Federation sent to ministry of justice (date unknown), <https://www.bof.nl/static/lobby-tomie-documenten/VENJ/00000000-040-european-banking-federation.pdf>
 54. Email HOTREC to Dutch perm rep (19 March 2014), <https://www.bof.nl/static/lobby-tomie-documenten/EU/20140319-006-hotrec-hotel-restaurants-cafes-in-europe.pdf>
 55. Letter by thuiswinkel.org to ministry of justice (6 October 2014), <https://www.bof.nl/static/lobby-tomie-documenten/VENJ/20141006-034-thuiswinkelorg.pdf>
 56. Letter by AWW, NFU, NWO, TNO, VSNU, ZONmw to ministry of justice (21 November 2014), <https://www.bof.nl/static/lobby-tomie-documenten/VENJ/20141121-035-aww-nfu-nwo-tno-vsnu-zonmw.pdf>
 57. Position Paper of Centre for Information Policy Leadership sent to ministry of justice (March 2013), <https://www.bof.nl/static/lobby-tomie-documenten/VENJ/20130300-007-centre-for-information-policy-leadership.pdf>
 58. Letter by Industry Coalition for Data Protection to ministry of justice (28 May 2014), <https://www.bof.nl/static/lobby-tomie-documenten/VENJ/20140528-028-industry-coalition-data-protection.pdf>
 59. Jedidiah Bracy and Sam Pfeifle, "WP29 Weighs In on the GDPR Trilogue Process," Privacy Tracker (18 June 2015), <https://iapp.org/news/a/wp29-weighs-in-on-the-gdpr-trilogue-process-2/>
 60. Email by DigitalEurope to Dutch perm rep (24 September 2014), <https://www.bof.nl/static/lobby-tomie-documenten/EU/20140924-019-digital-europe.pdf>
 61. Position Paper by Vodafone sent to ministry of justice (date unknown), <https://www.bof.nl/static/lobby-tomie-documenten/VENJ/00000000-046-vodafone.pdf>
 62. Verbond van Verzekeraars position paper sent to ministry of justice (26 February 2013), <https://www.bof.nl/static/lobby-tomie-documenten/VENJ/20130226-006-verbond-van-verzekeraars.pdf>
 63. Email by Insurance Europe to Dutch perm rep (28 February 2013), <https://www.bof.nl/static/lobby-tomie-documenten/EU/20130228-007-insurance-europe.pdf>
 64. TechAmerica Europe position paper sent to ministry of justice (14 January 2014), <https://www.bof.nl/static/lobby-tomie-documenten/VENJ/20140114-023-techamerica.pdf>
 65. Letter FENCA to ministry of justice (24 November 2014), <https://www.bof.nl/static/lobby-tomie-documenten/VENJ/20141124-036-fenca.pdf>
 66. Email by DLA Piper to Dutch perm rep (19 March 2014), <https://www.bof.nl/static/lobby-tomie-documenten/EU/20140319-005-experian-dla-piper.pdf>



EINDNOTEN

67. Email by Rabobank to ministry of justice (15 October 2013), <https://www.bof.nl/static/lobby-tomie-documenten/VENJ/20131015-057-rabobank.pdf>
68. Email by Nederlandse Vereniging van Banken to Dutch perm rep (17 December 2013), <https://www.bof.nl/static/lobby-tomie-documenten/EU/20131217-078-nvb-ebf-part-1.pdf>
69. European Banking Federation position paper (17 December 2013), <https://www.bof.nl/static/lobby-tomie-documenten/EU/20131217-078-nvb-ebf-part-2.pdf>
70. Email by Thomson Reuters to Dutch perm rep (2 October 2012), <https://www.bof.nl/static/lobby-tomie-documenten/EU/20121002-088-thomson-reuters.pdf>
71. "Zoeken", Tweede Kamer website (website of the second chamber of the Dutch parliament), <http://www.tweedekamer.nl/zoeken>
72. Statewatch website, <http://statewatch.org/>
73. F. Teeven, Stand van zaken over de onderhandelingen over de Algemene verordening gegevensbescherming en de richtlijn gegevensbescherming opsporing en vervolging, Kamerstuk 32761-44 (30 October 2012), http://www.tweedekamer.nl/kamerstukken/brieven_regering/detail?id=2012Z18409&did=2012D40230
74. Page 4 of this letter to the Dutch parliament of april 2014- F. Teeven, Stand van zaken over de onderhandelingen in Brussel over de Algemene verordening gegevensbescherming en de richtlijn gegevensbescherming opsporing en vervolging, Kamerstuk 32761-60 (23 April 2014), http://www.tweedekamer.nl/kamerstukken/brieven_regering/detail?id=2014Z07505&did=2014D14763
75. F. Teeven, Stand van zaken inzake de onderhandelingen in Brussel over de Algemene verordening gegevensbescherming en de richtlijn gegevensbescherming opsporing en vervolging, Kamerstuk 32761-68 (17 July 2014), http://www.tweedekamer.nl/kamerstukken/brieven_regering/detail?id=2014Z13492&did=2014D27058